

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Stephen Almeida
Title: Multiple Pulse Photo-Epilator
Serial No.: 09/173,422
Filing Date: October 15, 1998
Patent No.: 6,228,074
Issue Date May 8, 2001

Date:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-145

Sir:

DECLARATION OF STEPHEN ALMEIDA IN SUPPORT OF PETITION
UNDER 37 CFR § 1.138 (b) TO ACCEPT UNAVOIDABLY DELAYED
PAYMENT OF MAINTENANCE FEE IN EXPIRED U.S. PATENT NO. 6,228,074

1. I, Stephen Almeida, being the named inventor of US Patent Number 6,228,074 ('074 patent), hereby swear that the expiration of the '074 patent for failure to pay the 7.5 year maintenance fee was unavoidable and unintentional for the following supporting reasons;

2. I am a citizen of the United States and am more than twenty-one (21) years of age;

3. I am the sole inventor of the '074 patent;

4. I retained, Attorney John C. Serio, on or about October 1998, to draft and file the application that matured into the '074 patent on or about May 8, 2001;

5. On or about October 24, 2006 I sent an email to Attorney John Serio, of Brown Rudnick, asking how maintenance fees for my issued '074 patent would be paid; (attachment A)

6. In a reply to my email of October 24, 2006, Attorney Serio indicated that Brown Rudnick would pay these fees as they became due; (attachment A)

7. On or about May 15, 2007, Attorney Serio informed me via email that he would be leaving Brown Rudnick to join Seyfarth Shaw LLP (Seyfarth Shaw). Attorney Serio indicated that I could either continue my relationship with Brown Rudnick or notify Attorney Sam Williams, of Brown Rudnick, to transfer my patent files to Seyfarth Shaw; (attachment B)

8. On or about May 16, 2007 I sent an email to Sam Williams requesting Brown Rudnick to transfer both my physical and electronic patent files to Seyfarth Shaw; (attachment C)

9. Based upon my transfer instructions, I expected that the files would be transferred to Seyfarth Shaw by Brown Rudnick;

10. I can state unequivocally that I did not intend the '074 patent to expire for failure to pay maintenance fees and that such failure was unintentional and unavoidable; and

11. I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge and understanding that willful false statements and the like so made are punishable by fine, or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any revived U.S. patent.

Respectfully submitted,


Stephen Almeida